APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,996	11/26/2003	Robert J. Polilli	600181-018	7980

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EXAMINER
RAPILLO, KRISTINE K

ART UNIT	PAPER NUMBER
3626	

NOTIFICATION DATE	DELIVERY MODE
08/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/723,996	POLILLI ET AL.
		Examiner	Art Unit
		KRISTINE K. RAPILLO	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 May 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.
   4a) Of the above claim(s) <u>2,3,8,9 and 13-20</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1, 4-7, and 10-12</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>26 November 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>4/26/2004; 4/17/2006</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment submitted May 26, 2009. Claim 1 is

amended. Claims 8 – 9 and 13 – 20 are cancelled (claims 2 – 3 and 15 were previously cancelled).

Claims 1, 4 - 7, and 10 - 12 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on April 4, 2008 has been entered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4 – 6, 8 – 10, 14, and 17 - 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Keller et al., herein after Keller (U.S. Publication Number 2003/0093304 A1) in view of

Ryan et al., herein after Ryan (U.S. Patent Number 5,655,085), further in view of ICICI Prudential Life

Insurance SmartKid website, hereinafter SmartKid (2002;

(http://web.archive.org/web/20030711211642/iciciprulife.com/creative/blankproduct.jsp?productid=169).

      In regard to claim 1 (Currently Amended), Keller teaches a method for providing juvenile insurance

having a waiver of premium feature comprising:

electronically obtaining information useful for issuing a juvenile insurance policy for a potential payor and an insured via a computer (Figure 1 and paragraph [0017]);

electronically determining, via the computer, one of a premium and a death benefit for the potential payor (paragraphs [0017] and [0067] where a computer system calculates rates (or premium) based on the information obtained), the premium or death benefit computed based at least in part on the potential payor's affiliation as a member within a group of individuals having at least one commonality between them and not directly dependent on and does not vary based on age, health, and gender of the potential payor (Figure 10; paragraphs [0071] and [0078] where employees of a company share a commonality not based on age, health, or gender), the determining based on a probability associated with an incidence of an event that triggers the waiver of premium feature occurring to an individual of the group of acceptable payors based on at least one eligibility requirement of the payor belonging to the group or the incidence of the event that triggers the waiver of premium feature occurring to a subset of the group of acceptable payors based on at least one eligibility requirement of the payor belonging to the group (paragraphs [0073] and [0089] where spouses, dependants, salaried employees, retired employees, and hourly employees are subsets of a group). Keller fails to explicitly disclose a death benefit and the probability associated with an incidence of an event that triggers the waiver of premium feature.

Ryan teaches a method comprising a death benefit (Figures 3B-4 and 10; column 4, lines 47 – 54) and the probability associated with an incidence of an event that triggers the waiver of premium feature (column 18, lines 5 - 13).

Smartkid discloses a method comprising offering, to the potential payor, a juvenile insurance policy having the waiver of premium feature and the determined premium or death benefit (paragraphs 4, 9 – 12, and 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature of offering a juvenile insurance policy disclosed by Smartkid, within the method of obtaining information using a computer system to calculate death benefits and premiums, including a waiver of premium feature, as taught by Keller and Ryan, with the motivation of providing a secure future for a child (paragraph 1, Smartkid).

In regard to claim 4 (Previously Presented), Keller, Ryan, and Smartkid teach the method of claim 1.

Smartkid teaches a method wherein the eligibility requirement comprises at least one of a maximum age and a generational qualification for payors (paragraph 4) where a maximum age of 60 is disclosed, as well as a generational qualification (parents are of a different generation than the insured).

The motivation to combine the teachings of Keller, Ryan, and Smartkid is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 5 (Previously Presented), Keller, Ryan, and Smartkid teach the method of claim 1.

Smartkid teaches a method wherein the waiver of premium feature is a standard feature of the juvenile insurance policy (paragraph 11) where the waiver of premium is a standard feature in the Smartkid policies.

The motivation to combine the teachings of Keller, Ryan, and Smartkid is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 6 (Previously Presented), Keller, Ryan, and Smartkid teach the method of claim 1.

Ryan teaches a method wherein the event that triggers the waiver of premium feature comprises death of the payor (column 18, lines 5 - 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the event that triggers the waiver of premium feature comprises death of the payor as taught by Ryan, within the method of Keller and Smartkid, with the motivation of providing an electronic means of calculating an insurance premium sufficient to cover the insured's needs, including all applicable policy riders (column 10, lines 43 – 62, Ryan).

In regard to claim 7 (Original), Keller, Ryan, and Smartkid teach the method of claim 6. Keller teaches a method wherein the probability associated with an incidence of an event that triggers the

waiver of premium feature for an individual of the group of acceptable payors or the subset of the group of

acceptable payors is determined based on mortality data for the group of acceptable payors or the subset

of the group of acceptable payors, respectively (Figures 18 and 20; paragraph [0032]). Keller fails to

disclose a probability associated with an incidence of an event that triggers the waiver of premium

feature.

   Ryan teaches a probability associated with an incidence of an event that triggers the waiver of

premium feature (column 18, lines 5 - 13).

   The motivation to combine the teachings of Keller, Ryan, and Smartkid is discussed in the rejection of

claim 6, and incorporated herein.

   In regard to claim 10 (Previously Presented), Keller, Ryan, and Smartkid teach the method of claim 1.

   Smartkid teaches a method wherein the probability of an incidence of the event that triggers the

waiver of premium feature accounts for at least one limitation for exercising the waiver of premium feature

selected from a group consisting of a 2-year waiting period, a generational qualification, and an age limit

for the insured (paragraph 4) where a minimum and maximum age limit of parents determines

qualification.

   The motivation to combine the teachings of Keller, Ryan, and Smartkid is discussed in the rejection of

claim 1, and incorporated herein.

   In regard to claim 11 (Previously Presented), Keller, Ryan, and Smartkid teach the method of claim 1.

Keller teaches a method wherein the premium and death benefit are determined based at least in part on

the probability of an incidence of an event that triggers the waiver of premium feature accounting for the

blend of the individuals of the group of acceptable payors with regard to at least one of age, gender, and

generational qualification (Figure 17 and paragraph [0078]). Keller fails to explicitly disclose where death

benefits are determined based at least in part on the probability of an incidence of an event that triggers

the waiver of premium feature.

Ryan teaches a method wherein the death benefit are determined based at least in part on the

probability of an incidence of an event that triggers the waiver of premium feature (column 18, lines 5 -

13).

The motivation to combine the teachings of Keller, Ryan, and Smartkid is discussed in the rejection of

claim 6, and incorporated herein.

In regard to claim 12 (Original), Keller, Ryan, and Smartkid teach the method of claim 1. Keller

teaches a method wherein the premium and death benefit are computed based at least in part on an anti-

selection factor (paragraphs [0084] and [0085]).

Response to Arguments

5.   Applicant's arguments filed May 26, 2009 have been fully considered but they are not persuasive.

Applicant's arguments will be addressed herein below in the order in which they appear in the response

filed May 26, 2009.

        In response to the Applicant's arguments regarding claims 1, 4 - 7, and 10 - 12, it is respectfully

submitted that the Examiner has applied new citations and new prior art; as such, Applicant's remarks

with the regard to the application of Smartkid, Spinar, Kellar, and Weiss are moot with the application of

the Ryan reference.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can

normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke

Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626